

## STILLWATER COUNTY COMMISSIONER MINUTES

**Notice:** These minutes reflect the proceedings of the Board of County Commissioners. The official minutes are on file with the Clerk and Recorder (MCA 7-4-2611(2)(b)).

### REGULAR MEETING NOVEMBER 7, 2017

**Present:** Commissioners Dennis Shupak, Chair; Maureen Davey and Mark Crago, Members.

Others Present: Bob and Charlotte VanOosten; Dana Weatherford, Weed Coordinator; Nancy Rohde, County Attorney; Carol Arkell, DES Coordinator; Marissa Hauge, Economic Development; Allen Wynn and Michael Thompson, Pattern Energy; Forrest Mandeville; Kevin Halverson; Sven Svenson; T. Zindler; Coralee Hicks; and Mikaela Koski, Stillwater County News.

**Open Meeting:** Commissioner Shupak opened the meeting at 9:00 am with the pledge to the flag.

**Public Comment:** None heard

**Minutes:** Commissioner Davey **MOVED** to approve the minutes of September 5, 2017. Commissioner Crago **SECONDED**. Motion passed unanimously.

**Special Issue(s):**

1. Economic Development
  - a. EPA Brownfields Clean-Up Grant and Draft Analysis - Preliminary Evaluation Former Hospital. Marissa Hauge explained she is present as a requirement of the EPA grant process. She said Phase I and Phase II has been completed and this is the next phase which is cleaning up the hazardous material at the former hospital building. She said as a requirement of the EPA a public meeting, not a public hearing, is to be held for public comment. At this time she has not received any written comments. She said information has been available on the county's website.  
For the record - There was no public comment received by email, in writing, or at this public meeting on November 7, 2017. Hearing no comments, Commissioner Crago **MOVED** to proceed with the clean-up grant process. Commissioner Davey **SECONDED**. Motion passed unanimously.
  - b. Commitment Letter for EPA Grant Matching Funds - Marissa explained there is a cost share of a 20% match which equates to \$39,383 and can be in-kind and hard match. Commissioner Davey thanked the Economic Development Coordinator for the time she spent on the grant and was in favor of the commitment. Coralee Hicks stated

she was also in favor. Commissioner Davey **MOVED** to approve the Commitment Letter and fund the hard match from the PILT Fund. Commissioner Crago **SECONDED**. Motion passed unanimously.

**Employee**

**Recognition:**

The following employees were recognized for their service and dedication to Stillwater County:

- a. Shawn McClurg, Absarokee RSID - 5-years
- b. Terry Nystul, Sheriff's Office - 10 -years

**Consent agenda:**

1. MSU Extension - FY 2018 Extension Services Agreement

**File Items:**

1. Department Reports
  - a. Justice Court - Month ending October 31, 2017, total \$12,646.20
  - b. Clerk & Recorder - \$7,050.15

Commissioner Crago **MOVED** to approve the consent agenda and place the file items to file. Commissioner Davey **SECONDED**. Motion passed unanimously.

**Regular Business:**

1. Road Department
  - a. Dust Abatement - Agreement between Tippet Rise and Stillwater County  
Mark Schreiner recommended approval of the agreement. Commissioner Davey **MOVED** to approve the dust abatement agreement between Tippet Rise and the county. Commissioner Crago **SECONDED**. Discussion: Davey said she looks at these agreements as a part of history and stated her concern with language that may not be clear to those looking at the agreement in the future. Schreiner explained the county would only prep the road for application and Tippet Rise would buy the product which would come with the truck. Davey said she understands that, but said it isn't clear in the agreement. Commissioner Davey **MOVED** to amend her main motion to clarify the agreement on the county's role and the expectations of Tippet Rise. Commissioner Crago **SECONDED** the amendment. Nancy Rohde said she didn't think the commissioners should sign the agreement until the proper language has been added. Motion passed unanimously. Commissioner Shupak called for a vote on the main motion. Opposed 2 - Abstained -1. Motion defeated.

- b. Lease/Purchase Agreement - between Merchants Bank for Case Loader 921G  
Commissioner Crago **MOVED** to approve the lease/purchase agreement for the equipment as recommended by the Road and Bridge Department. Commissioner Davey **SECONDED**. Motion passed unanimously.

2. Weed Department

- a. 2017 Special County Grant Amendment Letter to transfer funds
- b. 2018 Special County Grant Amendment Letter to transfer funds

Dana Weatherford, Weed Coordinator, explained both grants in the amount of \$7,500

are funded through the MT Department of Agriculture. The funding was set aside for temporary employment which was not utilized. She said money is in the budget to support hiring a temporary person and she and the board would like to transfer the grant funds to the capital improvement funds.

Commissioner Crago **MOVED** to allow the Weed Department to reallocate 2017 and 2018 grant funds to the Capitol Outlay Fund. Commissioner Davey **SECONDED**. Commissioner Davey asked if the recommendation was made during a meeting. Dana said it was not but rather through emails. Discussion: Commissioner Davey said because of the caliber of monies involved (\$15,000) it should have been discussed and voted on in a posted agenda meeting of the Weed Board and the public should have the opportunity to comment by following the open meeting laws.

Commissioner Shupak called for a vote. Commissioners Shupak and Crago voted yea. Commissioner Davey voted nay. Motion passed 2-1. Commissioner Davey said she voted no for the reasons she stated above.

3. GIS Department

a. Rural Address Policy update

Commissioner Davey **MOVED** to accept and approve the updated policy as recommended by Carol Arkell, DES Coordinator. Commissioner Crago **SECONDED**. Motion passed unanimously.

4. Stillwater Wind LLC - Documents

a. Stillwater County Noxious Weed Management Plan

Nancy Rohde, County Attorney, said one question regarding a wash station needs to be clarified. She recommended the commission approve it or take it under advisement with the pending change she is going to make. Commissioner Davey **MOVED** to postpone the decision on the Stillwater County Noxious Weed Management Plan until November 14, 2017. Commissioner Crago **SECONDED**. Davey explained it will allow the public a chance to review the plan before a decision is made. Motion passed unanimously.

b. Impact Fee Agreement

Commissioner Davey **MOVED** to postpone the Impact Fee Agreement until November 14, 2017. Commissioner Crago **SECONDED**. Motion passed unanimously.

c. Road Agreement

Commissioner Crago **MOVED** to postpone the Impact Fee Agreement until November 14, 2017. Commissioner Davey **SECONDED**.

Bob Van Oosten - concerned about the road conditions.

Commissioner Davey said most of the work will be done in the summer and the county will evaluate the road again. Mark Schreiner said the road will be improved not made

worse. Commissioner Crago said the agreement is well written to take care of Stillwater County citizens. He said the road department and wind farm have worked together to protect the people. Commissioner Shupak called for a vote. Motion passed unanimously.

**Meeting Adjourned:** Commissioner Shupak closed this portion of the meeting at 9:28 AM

**PRESENTATION  
STILLWATER WIND LLC**

**Stillwater Wind:** Directly following the agenda meeting, Michael Thompson, Project Developer, Stillwater Wind LLC., conducted a brief presentation on the proposed wind project.

**PUBLIC HEARING  
NOVEMBER 7, 2017  
STILLWATER WIND LLC**

**Present:** Commissioners Dennis Shupak, Chair; Maureen Davey and Mark Crago, Members.

Others Present: Jim and Kate Trees; Terry Zindler; Mark Schreiner and Rand Werdal, Road Department; Kevin Halverson; Sven Svenson; Coralee Hicks; Bob and Charlotte Van Ooston; Forest Mandeville, Contract Planner; Marissa Hauge, Economic Development; Dana Weatherford, Weed District; Nancy Rohde, County Attorney; and Mikaela Koski, Stillwater County News.

**Open Hearing:** Commissioner Shupak opened the public hearing at 9:45 AM

**New Industry  
Classification:**

The Commissioners solicited public comment on a request for new industry classification and tax abatement for the Stillwater Wind, LLC project. The Stillwater Wind Project is being developed by Stillwater Wind, LLC which is solely owned by Pattern Renewables 2 LP. Michael Thompson, Pattern Renewables, said they have applied for tax abatement for the project. Through that process, taxes would be paid on a percentage of the taxable value for the first nine years following construction. On the tenth year, 100 percent of the taxable value will be used to assess taxes.

Proponents - Commissioner Shupak called for proponents, those in favor of the tax abatement.

1. Kevin Halverson - said he thought the tax abatement was designed to promote small businesses and give them a break to get started. He spoke in favor of the tax abatement request.
2. Sven Svenson - spoke in favor of the tax abatement.
3. Coralee Hicks- spoke in favor of the tax abatement.

Opponents - Commissioner Shupak called for opponents, those not in favor of the tax abatement. None heard.

Close hearing - Commissioner Davey **MOVED** to continue the hearing for further written comments until the Commissioner's Agenda meeting on November 14, 2017. Commissioner Crago **SECONDED**. Motion passed unanimously.

**Hearing Adjourned:** Hearing no further comments, Commissioner Shupak **MOVED** to adjourn the hearing at 10:04 AM. Commissioner Crago **SECONDED**. Motion passed unanimously.